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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,207

03/15/2004

Jiahn-Chang Wu

WU-9305

8555

7590
Hung Chang Lin
8 Schindler Ct.
Silver Spring, MD 20903

01/17/2007

EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,207

Applicant(s)

WU, JIAHN-CHANG

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Response to Amendment

2. Applicant's amendment filed on October 19, 2006 has been entered. Claims 1, 4 and 7 have been amended. Claims 3 and 6 have been cancelled. No claim has been added. Claims 1, 2, 4, 5 and 7 are still pending in this application, with Claim 1 being the only independent claim.

3. The drawings were received on November 13, 2006. These drawings are acceptable.

Information Disclosure Statement

4. The listing of references in the specification (Figure 1) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other

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information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

5. Claim 1 is objected to because of the following informalities: it recites the limitation "*the open end of the cup*" in line 4. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the previously recited "cup for light reflection" (see line 2) inherently includes an open end. However, appropriate correction is required to place the claims in proper form for allowance.

6. The Examiner respectfully suggests amending line 2 to read: a cup for light reflection, **having an open end.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by ZHANG (U.S. Pat. App. Pub. 2002/0136025).
8. ZHANG discloses a lamp having:
- **a cup (as recited in Claim 1), Figure 5, reference number 13';**
 - **the cup being for light reflection (as recited in Claim 1),**
paragraph 0046, line 9;
 - **a ridged metal grid (as recited in Claim 1), Figure 5, reference**
numbers 311'-314';
 - **the metal grid including walls protruding normal to the plane**
of the grid (as recited in Claim 1), as seen in Figure 5;
 - **the walls forming partitions (as recited in Claim 1), as seen in**
Figure 5;
 - **the metal grid being placed in the open end of the cup (as**
recited in Claim 1), as seen in Figure 5;
 - **at least one light emitting device (as recited in Claim 1), Figure**
6, reference number 21';

- **the light emitting device being mounted on the inner surface of the metal grid facing the cup (as recited in Claim 1), as seen in Figure 6;**
- **the light emitted by the light emitting device being reflected by the cup before being transmitted through the grid (as recited in Claim 1), as evidenced by Figure 6;**
- **the metal grid being back-filled with a transparent material (as recited in Claim 5), Figure 5, reference number 22';**
- **the transparent material being selected from the group consisting of glass and transparent polymer composite (as recited in Claim 5), inherent; and**
- **the metal grid being partially protruded outside the transparent material for increasing heat removal (as recited in Claim 7), as seen in Figure 6.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 4 rejected under 35 U.S.C. 103(a) as being unpatentable over ZHANG (U.S. Pat. App. Pub. 2002/0136025).

10. ZHANG discloses a lamp having:

- **a cup (as recited in Claim 1), Figure 5, reference number 13';**
- **the cup being for light reflection (as recited in Claim 1),**
paragraph 0046, line 9;
- **a ridged metal grid (as recited in Claim 1), Figure 5, reference**
numbers 311'-314';
- **the metal grid including walls protruding normal to the plane**
of the grid (as recited in Claim 1), as seen in Figure 5;
- **the walls forming partitions (as recited in Claim 1), as seen in**
Figure 5;
- **the metal grid being placed in the open end of the cup (as**
recited in Claim 1), as seen in Figure 5;
- **at least one light emitting device (as recited in Claim 1), Figure**
6, reference number 21';
- **the light emitting device being mounted on the inner surface of**
the metal grid facing the cup (as recited in Claim 1), as seen in
Figure 6;

- **the light emitted by the light emitting device being reflected by the cup before being transmitted through the grid (as recited in Claim 1), as evidenced by Figure 6;**
- **the grid including horizontal plates (as recited in Claim 2), Figure 6, reference numbers 311' and 313';**
- **the grid including vertical walls (as recited in Claim 2), Figure 6, reference numbers 312' and 314';**
- **each of the horizontal plates and vertical walls having an outer surface facing the open end, and an inner surface facing the light emitting device (as recited in Claim 2), as seen in Figure 6;**
- **the light emitting device having two electrodes (as recited in Claim 4), inherent;**
- **the electrodes being connected to one of the parallel horizontal plates and one of the parallel vertical walls respectively (as recited in Claim 4), as seen in Figure 6; and**
- **the horizontal plates and the vertical walls being insulated from each other (as recited in Claim 4), inherent;**

11. ZHANG discloses all the limitations of the claims, except the grid including a matrix of parallel horizontal plates and vertical walls (as recited in Claim 2);

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a matrix of parallel horizontal plates and vertical walls (as

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recited in Claim 2), since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In this case, one would have been motivated as necessitated by the desired number of light emitting devices, or the required heat dissipation rate.

Response to Arguments

13. Applicant's arguments with respect to Claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


Ismael Negron
Examiner
AU 2875